

### JETTREY J. SNELL ATTORNEY AND COUNSELOR AT LAW LICENSED IN OHIO AND FLORIDA

253 WEST AURORA ROAD SAGAMORE HILLS, OHIO 44067 (330) 467-9600 FAX: (330) 467-9314 EMAIL: JSNELL01@MSN.COM

May 1, 2006

Office of General Counsel Federal Elections Commission 99 East Street, N.W. Washington, D.C. 2046

MUR # <u>5743</u>

Re:

In the Matter of:

Betty Sutton for Congress, OH Women Vote!, a project of Emily's List,

Emily's List and Betty Sutton Complainant: Thomas C. Sawyer

**Dear Federal Election Commission:** 

Enclosed please find one Original Complaint and three additional copies I am filing on behalf of my client, Thomas C. Sawyer, regarding the above-referenced matter. Please time-stamp the fourth additional copy and return it to me in the self-addressed stamped envelope.

Please call me with any concerns.

Thank you.

**Enclosures** 

cc: Thomas C. Sawyer

### BEFORE THE FEDERAL ELECTIONS COMMISSION

In the Matter of:	
Betty Sutton for Congress 1700 West Market Street, #155 Akron, Ohio 44312	MUR No. 5743
And	COMPLAINT
OH Women Vote! a project of Emily's List 1700 West Market Street, #147 Akron, Ohio 44312	, ) ) )
And	) )
Betty Sutton	) )
Chardon, Ohio 44024	) ) >
And	PEDER, OFFICE COM NAY 2006 MAY
Emily's List 1120 Connecticut Avenue NW, Suite 1100 Washington, D.C. 20036	TETECH THISSION OF BLKER JUNCEL TO TO THE TETECH THE TETECH
COMPLAINANT:	) : 09 : 08
Thomas C. Sawyer	) ) \
Akron, Ohio 44310	<i>)</i> )

### INTRODUCTION

Betty Sutton is a candidate for Congress in the Ohio 13<sup>th</sup> District. She lists her address for the FEC as Chardon, Ohio, in Geauga County. Her campaign address is a UPS box at a store front located at 1700 West Market Street in Akron Ohio, 60 miles away. I believe she is violating election laws and being illegally assisted by the very special interests she claims to oppose.

In this case, an unregistered organization called OH Women Vote!, which is a front for an out-of-state special interest group, is assisting Sutton, I believe illegally, in direct

violation of federal campaign finance laws. OH Women Vote! has financed at least eight pieces of express advocacy mail for Sutton. The organization does not appear to be registered as a state or federal PAC, or a 527, or in any other capacity, yet it appears to be spending tens of thousands of dollars illegally, by coordinating such expenditures directly with Sutton. Its mail address is at the same address as Sutton's campaign address sixty miles from her home at a small UPS store in Akron, Ohio. Each mailing uses posed and family photographs and data that could only have been obtained directly and illegally in coordination with Sutton and her campaign. It is a project of Emily's List, which has raised substantial funds for Sutton.

Based on these circumstances and others, I believe that Sutton, her campaign and OH Women Vote! have violated campaign finance laws by illegally coordinating these mailings. OH Women Vote! should be immediately required to cease and desist from all electioneering until it can prove its independence from Betty Sutton and her campaign. I further believe that Betty Sutton and her campaign should demonstrate that she is not illegally providing materials or coordinating activities with OH Women Vote!

Below I will first set out the factual allegations and then more specifically identify the election law violations I believe have occurred.

### **FACTUAL ALLEGATIONS**

- 1. Complainant is a federal candidate for the Thirteenth Congressional District, Ohio whose principal campaign committee is the Tom Sawyer Committee. It is registered with the FEC.
- 2. Respondent, Betty Sutton for Congress, is the principal campaign committee for the election of Betty Sutton. It is registered as such with the FEC.0
- 3. Respondent, OH Women Vote!, a purported "project" of Emily's List is an unregistered organization that has failed to register with the FEC.
- 4. Respondent, Betty Sutton is a candidate for Congress residing in Chardon, Ohio.
- 5. Respondent, Emily's List is an unauthorized qualified non-party committee registered with the FEC.
- 6. In the last two weeks, OH Women Vote!, a purported "project" of Emily's List, has distributed by mail at least eight different types of mailings expressly advocating the election of Betty Sutton with the following statement: "Paid for by OH Women

Vote!, a project of Emily's List, <u>www.Emilyslist org</u> and not authorized by any candidate or candidate's committee. 1700 West Market Street #147, Akron, Ohio 44312-7002." (see attached Exhibit "A").

### **VIOLATIONS OF LAW**

### **Unlawful Coordinated and Unreported Contributions**

### **Unlawful Independent Expenditures**

- 7. OH Women Vote! mailings are coordinated communications within the meaning of 11 CFR 109.21 as they meet the three part test set forth in 109.21(a).
- 8. First, the eight mailings were paid for by a person other than the candidate, or the candidate's authorized committee, or a political party committee, or agent of any of the above. These mailings were paid for by OH Women Vote!
- 9. Second, the eight mailings meet at least one of the content standards contained in section 109.21(c) of the regulations as the mailings are public communication that expressly advocate the election or defeat of a clearly identified candidate for federal office. Each piece asks to "Vote For" Sutton and not to vote for me, both federal candidates.
- 10. Third, the mailings meet the conduct standards as set forth in 109.21(d) of the regulations in that each mailing reflects that there was request or suggestion, material involvement, or substantial discussion between Betty Sutton, Betty Sutton for Congress, and OH Women Vote! A project of Emily's List.
- 11. Both the Betty Sutton for Congress Committee and OH Women Vote! share the identical address at 1700 West Market Street, Akron, Ohio, a mail drop at a UPS store some sixty miles from the home of Betty Sutton. Each mailing of OH Women Vote! lists its address as being the identical address to the Betty Sutton for Congress Committee registered with the FEC.
- 12. Emily's List, which purports to have the "project" called OH Women Vote!, has been actively targeting Sutton's race and has specifically listed Betty Sutton and Betty Sutton for Congress prominently, upon the face of its website, providing biographical information about Betty Sutton, further, demonstrating the substantial discussions and coordinating conduct between Betty Sutton, Betty Sutton for Congress, and OH Women Vote!/Emily's List and/or their agents.

- 13. The posed and family photographs and data in each mailing could only have been obtained directly and illegally in coordination with Betty Sutton, Betty Sutton for Congress, and OH Women Vote!/Emily's List.
- 14. The official Betty Sutton for Congress website, bearing the address <a href="https://www.bettysutton.campaignoffice.com">www.bettysutton.campaignoffice.com</a>, contains an unusual set of ten web pages termed a "photo gallery" that contain a variety of very high resolution photographs of Betty Sutton that are suitable for very high quality reproduction, many of which appear in the literature of OH Women Vote! and/or Emily's List.
- 15. Exhibit B is a copy of one of the mailings of OH Women Vote! and/or Emily's List and includes a photograph of Betty Sutton and another woman with long dark hair.
- 16. Exhibit C is a copy of page 10 of the high resolution "photo gallery" of the official Betty Sutton for Congress website and contains a picture of Betty Sutton and the same woman with long hair contained on Exhibit B. Upon careful review, while very similar, the photographs on Exhibit B and Exhibit C are actually different. The photograph contained in Exhibit B could only have been obtained through the "material involvement" of Betty Sutton, Betty Sutton for Congress, OH Women Vote! and/or Emily's List in violation of 11 CFR 109.21(d)(2) and as an illegally coordinated and unlawful independent campaign expenditure.
- 17. Exhibit D is a copy of one of the mailings of OH Women Vote! and/or Emily's List and includes a photograph of Betty Sutton and a senior male at a table.
- 18. Exhibit E is a copy of page 9 of the high resolution "photo gallery" of the official Betty Sutton for Congress website and contains a picture of Betty Sutton and a senior male at a table contained on Exhibit E. Upon careful review, while very similar, the photographs on Exhibit D and Exhibit E are actually different. Betty Sutton for Congress website does include the same photographic image contained in Exhibit D on each page of the website along with three other images and know as an "image bar" Exhibit F, but is not of sufficient photographic quality to have been used to produce the image contained in Exhibit D of OH Women Vote! and/or Emily's List. The photograph contained in Exhibit D could only have been obtained through the "material involvement" of Betty Sutton, Betty Sutton for Congress, OH Women Vote! and/or Emily's List in violation of 11 CFR 109.21(d)(2) and as an illegally coordinated and unlawful independent campaign expenditure.

- 19. Exhibit G is a copy of one of the mailings of OH Women Vote! and/or Emily's List and includes a photograph of Betty Sutton in a blue sweater.
- 20. Exhibit H is a copy of page 10 of the high resolution "photo gallery" of the official Betty Sutton for Congress website and contains a picture of Betty Sutton in blue sweater. Upon careful review, while very similar, the photographs on Exhibit G and Exhibit H are actually different photographs. Betty Sutton for Congress website does include the same photographic image contained in Exhibit G on each page of the website along with three other images and know as an "image bar" Exhibit F, but is not of sufficient photographic quality to have been used to produce the image contained in Exhibit G of OH Women Vote! and/or Emily's List. The photograph contained in Exhibit F could only have been obtained through the "material involvement" of Betty Sutton, Betty Sutton for Congress, OH Women Vote! and/or Emily's List in violation of 11 CFR 109.21(d)(2) and as an illegally coordinated and unlawful independent campaign expenditure.
- 21. Exhibit I is a copy of one of the mailings of OH Women Vote! and/or Emily's List and includes a photograph of Betty Sutton and a number of children.
- 22. Exhibit J is a copy of page 20 of the high resolution "photo gallery" of the official Betty Sutton for Congress website and contains a picture of Betty Sutton and the same children contained on Exhibit I. Upon careful review, while very similar, the photographs on Exhibit I and Exhibit J are actually different. Betty Sutton for Congress website does include the same photographic image contained in Exhibit I on each page of the website along with three other images and know as an "image bar" Exhibit F, but is not of sufficient photographic quality to have been used to produce the image contained in Exhibit I of OH Women Vote! and/or Emily's List. The photograph contained in Exhibit I could only have been obtained through the "material involvement" of Betty Sutton, Betty Sutton for Congress, OH Women Vote! and/or Emily's List in violation of 11 CFR 109.21(d)(2) and as an illegally coordinated and unlawful independent campaign expenditure.

### CONCLUSION

For all of the above reasons, I respectfully urge the Commission to believe that Betty Sutton for Congress, Betty Sutton and OH Women Vote! A project of Emily's List have violated FECA, to open an investigation into the conduct, and then to find probable cause to believe that the violations of FECA have occurred

Respectfully submitted,

Thomas C. Sawyer

Complainant

### **VERIFICATION**

The complainant hereby verifies that the statements made in the attached complaint are, upon information and belief, true.

Thomas C. Sawyer

SUBSCRIBED AND SWORN to before me this 27 day of April, 2006.

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My Commission Expires

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### EXHIBIT A

### **EXHIBIT A**

### **Before the Federal Elections Commission**

### In the Matter of:

Betty Sutton for Congress

And

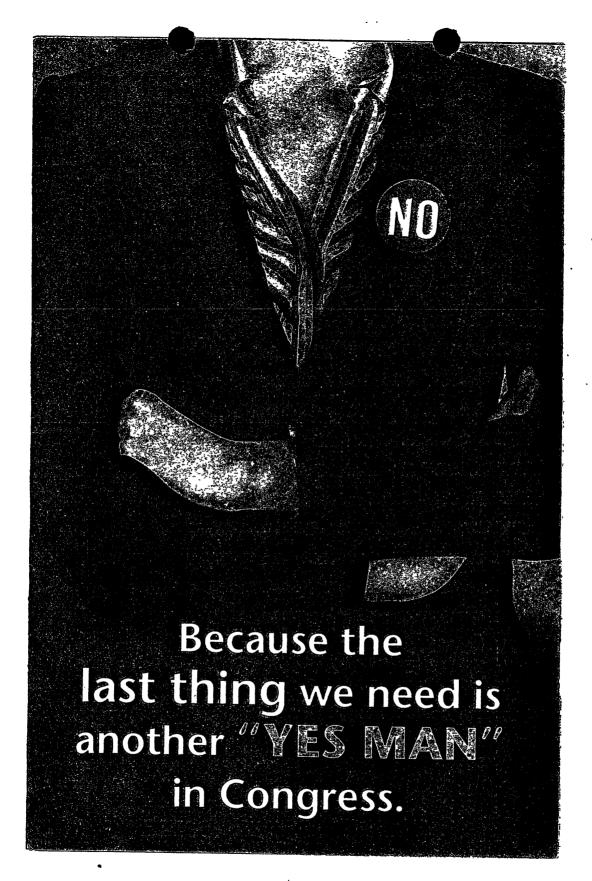
OH Women Vote! A project of Emily's List

And

**Betty Sutton** 

And

Emily's List





Betty Sutton refused to accept gifts and perks from lobbyists. She even had the courage to cast the only vote against a scheme to use state funds to build a parking garage for a Betty Sutton is an honestily different kind of leader. In the State House, Columbus-based retail giant. In Congress, **Betty Sutton** will take on the big drug companies. She will support plans to allow the re-importation of safe, affordable prescription drugs from Canada and fix the failed Republican Medicare Prescription program.



# 

will be able to do even more to stand up for patients and their families. to pay for covered services. As our Congresswoman, Betty Sutton patients to hold their insurance company accountable if they refused patients' rights in Congress. In Ohio, Sutton fought to allow Betty Sutton is ready to continue her work to protect

MARTA That have shipped thousands of Ohio jobs overseas. pensions and raise Ohio's minimum wage. In Congress, she'll always And Betty Sutton will fight to revamp trade deals like As a State Representative, **Sutton** worked to protect workers' stand up for working people.

uttor Congress.

Paid for by Ohio Women Vote!, a project of EMILY's List, (www.emilyslist.org) and not authorized by any candidate or candidate's committee.

1700 W. Market St., # 147 Akron, OH 44313-7002

SARTHER RICHMOND

COPLEY OH 44321-2532

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Marketing, Inc.

vote for Betty Sutton in the Democratic Primary for Congress. She's **honestly different** because she said  $\mathbb{N} \cup \mathbb{C}$  to lobbyists 

and stood up to the special interests



# 



Betty's father fell ill with lung cancer. Betty Sutton saw firsthand how devastating a long-term illness can be on a family. During her first year of law school,

For Bettly, her mother and her five brothers and sisters, the experience was one they would never forget. And it strengthened Betty's commitment to public service that had been so important to her dad and mom.

Betty Sutton and her family.

By 2m, vote for

to make sure patients and their families received the care they deserved As a State Representative, Betty Sutton knew one thing she could do was fight

Patient Protection Bill to bold insurance companies responsit if they delay treatment covered by a patient's policy, That's why State Representative Betty Sutton sponsored a.

Im Congress, Betty Surton will continue her commutament to put patients' health first. She'll work to allow the re-importation of more affordable prescription drugs from Canada and push to fix the failed Republican Medicare Prescription Program.

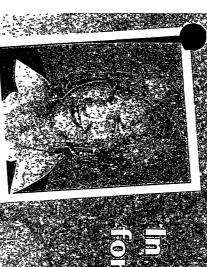
Paid for by Ohio Women Vote!, a project of EMILY's List, (www.emilyslist.org) and not authorized by any candidate or candidate's committee.

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DANIEL & HEATHER RICHMOND ,

Prsrt Std U.S. Postage **PAID** Cleveland, OH Permit 1523

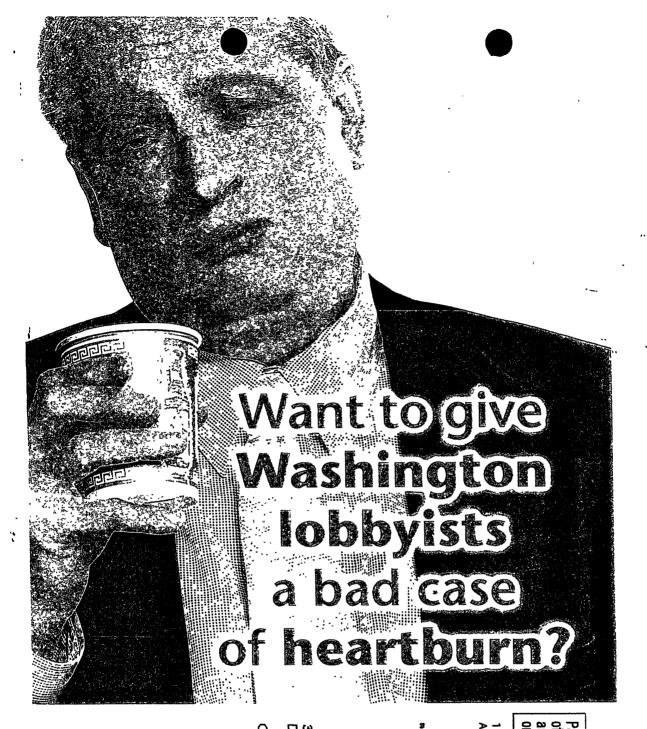
AKRON OH 44321-2532



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BETTY SUTTON: Endorsed by the American Nurses Association

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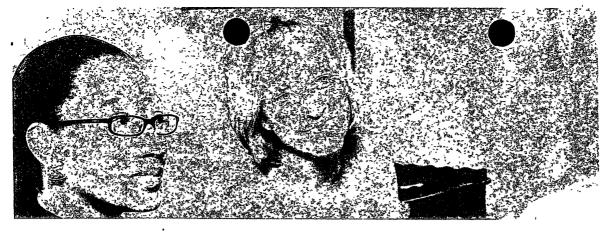
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1700 W. Market St., # 147 Akron, OH 44313-7002

DANIEL & HEATHER RICHMOND \*\*\*\*\*\*\*\*\*\*ECRLOT\*\*C-004

COPLEY OH 44321-2532



### Then vote for Betty Sutton for Congress.

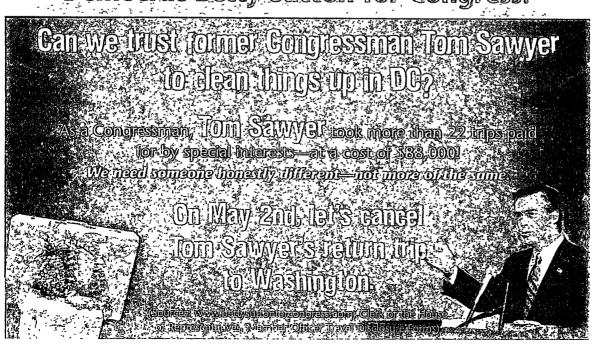
She's honestly different because she's ready to stand up to the corporate special interests and fight for working families.

Betty Sutton has had enough of scandals in Ohio and Washington, DC and knows the corrupting influence of corporate special interest money is a big part of the problem.

That's why Betty is running for Congress. She will stand up for what's right, take on the big-money corporate interests and continue to be a champion for good government for Ohio's working families.

As our next Congresswoman, Betty Sutton is ready to revamp flawed trade policies, like NAFTA, that have shipped thousands of Ohio jobs overseas.

On May 2<sup>nd</sup>, vote for Democrat Betty Sutton for Congress.







## With the Democrat Betty Sutton for Congress

corporate special interests and fight for working families. She's honestly different because she's ready to stand up to the

and the corporate special interests, she'll be a real pain. Just like she did in the State House, Retty Surttom will fight Beitin Suntion is just what the doctor ordered—a no-nonsense fighter for working folks. But for lobbyists for real reform to get special interest money out of politics and put real people first. IIn Congress, Betty Sutton is ready to take on the big orug companies and fix the failed Republican Medicare Prescription plam

On May 2<sup>nd</sup>, vote for Democrat Beity Sutton for Congress.



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or candidate's committee.

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For too long, backroom deals and lobbyist arm-twisting in Washington have meant a lot of sleepless nights for working families.

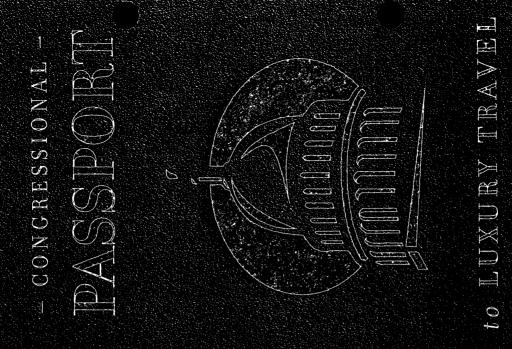
But **Betty Sutton** is ready to give the corporate special interests and their lobbyists a real wake-up call.

- Belly Sutton is ready to fix the failed Republican Medicare Plan.
- Beily Suiton will push for better protections for patients and their families.
- And Betty Suttom will fight to revamp flawed trade deals like NAFTA that have shipped Ohio jobs overseas.

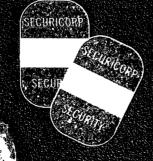
That's why Beatly Suitton has earned the support of the Akron Education Association, the Fire Fighters, the United Steelworkers and more than 25 other labor and professional organizations.

### Vote for Democrat Betty Sutton





### Let's cancel former Congressman Tom Sawyer's return trip to Washington.



"The most frequent traveler among the Ohio Delegation was Sawyer."

Associated Press, 6/14/0

Paid for by OH Women Vote!, a project of EMILY's List, www.emilyslist.org, and not authorized by any candidate or candidate's committee.

1700 W Market St., # 147 Akron, OH 44313-7002

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COPLEY OH 44321-2532



### UNITED STATES OF AMERICA



Surname / Nom / Apellidos

**SAWYER** 

Given names / Prénoms / Nombres

**THOMAS** 

Sex / Sexe / Sexo

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Authority / Autorité / Autoridad WASHINGTON, DC



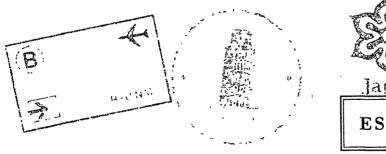
### Washington lobbyists were Tom Sawyer's passport to more than 22 trips across the Globe.

"The most frequent traveler among the Ohio Delegation was Sawyer."

Associated Press, 6/14/01

When Tom Sawyer was a Congressman, he jetted around the globe on at least two dozen trips paid for by special interests that cost more than \$88,000.

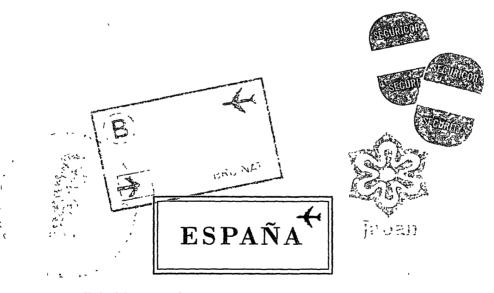
**Tom Sawyer** traveled thousands of miles on the special interests' dime, but **Sawyer** wouldn't go the extra mile to protect Ohio workers from NAFTA.





Tom Sawyer voted for NAFTA and special trading status — deals that shipped thousands of good-paying Ohio jobs overseas.

### On May 2<sup>nd</sup>, let's cancel Tom Sawyer's return trip to Washington.



(Source: Clerk of the House of Representatives, Member/Officer Travel Disclosure Forms)

Betty Sutton knows it's time to ground all Congressional junkets and tell the special interests the old way of doing business won't fly anymore.



Surname / Nom / Apellidos

### SUTTON

Given names / Prénoms / Nombres

### BETTY

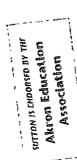
Sex / Sexe / Sexo

Place of birth / Lieu de naissance / Lugar de nacimiento

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**BARBERTON, OHIO** 

she'll stand up to the special interests and fight for working families. Democrat Betty Sutton. She's honestly different because







SUTTON IS FNDORSED BY THE American Nurses Association

name for herself by saying NO to gifts and As a state legislator, Betty Sutton made a perks from lobbyists.

Suttom has developed a tough, 5-point plan to set a new,

higher standard for Congress and put stricter limits on

Betty Suttom: A plan to fight corruption

in Congress.

how lobbyists and corporate special interests do business.

1. Ground all lobbylst-funded travel.

to clean things up and make government In Congress, we can trust Betty Sutton work for people like us again.

that we want someone honestly different. On May 2", tell the corporate interests

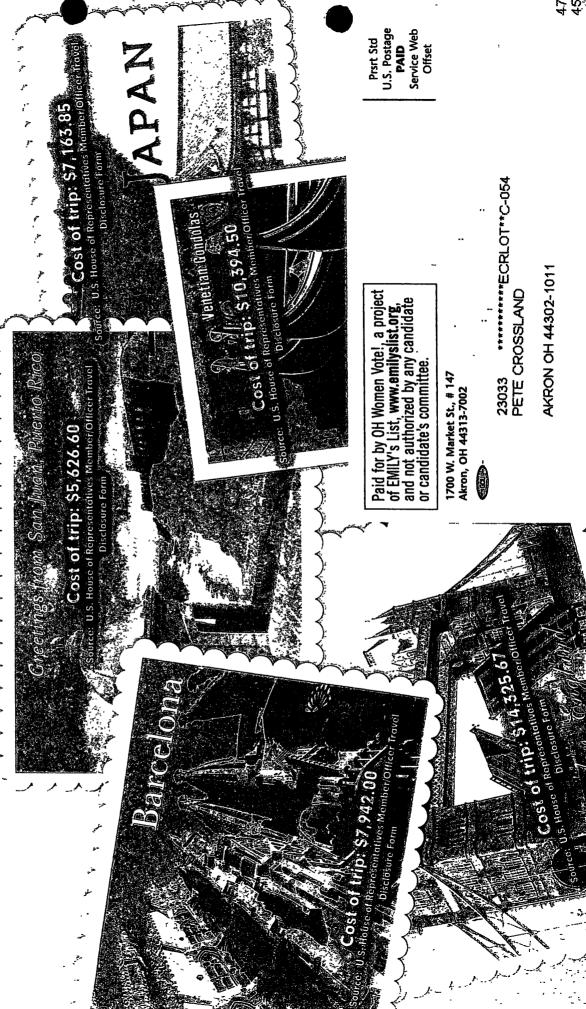
Vote for Democrat Betty Sutton for Congress.

5. Prohibit members of Congress and their staff from becoming

lobbyists for at least five years after leaving office.

4. Stop 11th hour 'giveaways' to corporate interests.

3. Open all committee meetings to the public. 2. Stop free meals and gifts from lobbyists.



### CISSIUS OF ONO WORKERS SZIC Solos, to their loos.

Former Congressman form Sawver accepted over 588,000 in free travel from the special interests

But when it came to protecting Ohio workers, Tom Sawyer took a hike.

status for China. Thanks to these trade deals, over 50,000 Ohio jobs and form Sawwer voted for NAFTA and voted for special trading have been shipped overseas.

it's time for someome honestly different.

"The most frequent traveler among the Ohio Delegation

Besociated Press, 6/14/01

Sawyer.

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INEVEN Vote for Democratic Batty Sutton for Concress



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descriptions and the property of the source  lust a few of Saw of Say past special interests funded itineraries include:

- Sawyer's trips to Spain and Arizona were paid for by Transatlantic Policy Network (TPN). TPN lists "a barrier-free transatlantic market" as a top priority and represents the interests of Fortune 500 corporations like Wal-Mart.
- Sawyer took a junket that the Edison Electrical Institute (EEI) footed the bill for. EEI has spent millions lobbying Congress.
- (丙) And Sawyer also took off on a trip that the Chicago Mercantile Exchange (CME) paid for in 1999. The CME has spent millions lobbying Congress.

(Source: Clerk of the House of Representatives, Member/Officer Travel Disclosure Forms; The Washington Post, 5/31/2005; US Lobby Registration & Reporting Disclosure Page)

On May 2nd, vote for She's honestly different. Former Congressman Torm Sawver flew thousands of miles around the globe thanks to special interests.

But Sawyer didn't go the extra mile for Ohio workers.

IOTH SAWVEN voted for NAFTA and to give special trading status to China which shipped thousands of Ohio jobs overseas.

We deserve someone honestly different— Democrat Betty Sutton.



On May 2<sup>nd</sup>, vote for Democrat Betty

Mondering why volets religion 1982.

Paid for by OH Women Vote!, a project of EMILY's List, www.emilyslist.org, and not authorized by any candidate or candidate's committee.

Prsrt Std U.S. Postage **PAID** Complete Mailing SRV

1700 W. Market St., # 147 Akron, OH 44313-7002

AKRON OH 44302-1011

### EXHIBIT B

### **EXHIBIT B**

### Before the Federal Elections Commiss i an

### In the Matter of:

**Betty Sutton for Congress** 

And

OH Women Vote! A project of Emily's List

And

**Betty Sutton** 

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by any candidate or candidate's committee Paid for by Ohio Women Vote!, a project of EMILY's List, (www.emilyslist.org) and not authorized

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DANIEL & HEATHER RICHMOND

COPLEY OH 44321-2532

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Prsrt Std U.S. Postage **PAID** 

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and stood up to the special interests

different because she said

to lobbyists

### EXHIBIT C

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OH Women Vote! A project of Emily's List

And

**Betty Sutton** 

And



# Betty Sutton

Democrat for Ohio-1



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### EXHIBIT D

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In the Matter of:

Betty Sutton for Congress

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**Betty Sutton** 

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sisters, the experience was one they would never to public service that had been so important to forget. And it strengthened Betty's commitment For 醫會世數, her mother and her five brothers and her dad and mom.

Betty Sutton and her family.

### EXHIBIT E

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**Betty Sutton** 

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# Betty Sutton

Democrat for Ohio-i



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### **Photo Gallery**

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### EXHIBIT F

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### Before the Federal Elections Commission

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Betty Sutton

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### EXHIBIT G

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In the Matter of:

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OH Women Vote! A project of Emily's List

And

**Betty Sutton** 

And

# Vote for Democrat Betty Sutton for Congress on May 2nd.

A nightmare for the corporate special interests.

An honestly different leader who fights for us.

For too long, backroom deals and lobbyist arm-twisting in Washington have meant a lot of sleepless nights for working families.

But Betty Sutton is ready to give the corporate special interests and their lobbyists a real wake-up call.

- Betty Sutton is ready to fix the failed Republican Medicare Plan.
- Betty Sutton will push for better protections for patients and their families.
- And Betty Suttom will fight to revamp flawed trade deals like NAFTA that have shipped Ohio jobs overseas.

That's why Betty Sutton has earned the support of the Akron Education Association, the Fire Fighters, the United Steelworkers and more than 25 other labor and professional organizations.

# Vote for Democrat Betty Sutton.

we thust former Congressman Tom Sawyer to elean things up in DC? essiman, Tom SaWyer took more than 22 trips paid for by special interest. S88,000! We need someone honestly different—not more of the same.

o Wonder Voters refused to re-elect Tom Sawyer to Congress.



scom Velicik of the House of the presentatives. Wember/Officer Travel Discharifie/E

### EXHIBIT H

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**Betty Sutton for Congress** 

And

OH Women Vote! A project of Emily's List

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**Betty Sutton** 

And

# Betty Sutton

Democrat fc



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### EXHIBIT I

### **EXHIBIT I**

### **Before the Federal Elections Commission**

In the Matter of:

Betty Sutton for Congress

And

OH Women Vote! A project of Emily's List

And

**Betty Sutton** 

And

Columbus-based retail giant. to cast the only vote against a scheme to use state funds to build a parking garage for a Betty Sutton refused to accept gifts and perks from lobbyists. She even had the courage Betty Sutton is an homestly different kind of leader. In the State House,



The Congress. **Betty Sutton** will take on the drug companies. She will support plans to allow the re-importation of safe, affordable prescription drugs from Canada and fix the failed Republican Medicare Prescription program.

n May 2<sup>nd</sup>, vote for Detty

### EXHIBIT J

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**Betty Sutton for Congress** 

And

OH Women Vote! A project of Emily's List

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**Betty Sutton** 

And

## Betty Sutton

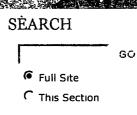
Democrat for Ohio-i



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### **Photo Gallery**

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